

EXHIBIT 30

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 SANDRA GUZMAN,)
5)
6 Plaintiff,)
7)
8 vs.) 09CIV9323
9) (BSJ(RLE)
10 NEWS CORPORATION, NYP HOLDINGS,))
11 INC., d/b/a THE NEW YORK POST,)
12 and COL ALLAN, in his official)
13 and individual capacities,)
14)
15 Defendants.)
16 -----)

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18
19
20 VIDEOTAPED DEPOSITION OF EBONY CLARK
21 New York, New York
22 Wednesday, May 30, 2012
23

24 Reported by:
25 Philip Rizzuti
JOB NO. 50101

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1 Clark
2 said; is that right?
3 A. Yes. What I wrote at the time.
4 MR. LOVINGER: Let's go off the
5 record.
6 THE VIDEOGRAPHER: The time is
7 1:02 p.m., we are off the record.
8 (Luncheon recess: 1:02 p.m.)
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1 Clark
2 AFTERNOON SESSION
3 (Time noted: 2:13 p.m.)
4 E B O N Y C L A R K, resumed and
5 testified as follows:
6 EXAMINATION BY (Cont'd.)
7 MR. LOVINGER:
8 THE VIDEOGRAPHER: The time is
9 2:13 p.m., we are on the record.
10 Q. Ebony, right before we broke for
11 lunch I was asking you about Col Allan's
12 statements shortly after the cartoon was
13 published and you said I don't remember what
14 he said. Do you recall?
15 A. Yes.
16 Q. So I would like to show you a
17 document you drafted shortly after the cartoon
18 appeared in The Post, and we are going to mark
19 this document as Clark Exhibit 11. Its Bates
20 stamped NYP 1653 through 1657, and please take
21 a couple of minutes to look at that document.
22 (Clark Exhibit 11, document Bates
23 stamped NYP 1653 through 1657, marked
24 for identification, as of this date.)
25 A. Uh-hum.

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1 Clark
2 Q. Ebony, you wrote the text in what
3 has been marked as Clark Exhibit 11 five days
4 after the cartoon appeared in the New York
5 Post on February 18, 2009; is that correct?
6 A. Yes.
7 Q. Does reviewing the document marked
8 as Clark Exhibit 11 refresh your recollection
9 as to what was said that day?
10 A. Yes.
11 Q. I am just going to ask you some
12 general questions now so you don't need to
13 read the document. If you are not done
14 reading it I can wait.
15 A. That is fine.
16 Q. So can you please let me know what
17 your recollection is as to what Col Allan said
18 following the publication of the cartoon that
19 you personally heard?
20 A. I remember when I went into his
21 office to I believe give him a paper, and at
22 the time the protest was going on outside that
23 I went to be a part of, but at the time I had
24 to come back upstairs to finish doing my job,
25 Myron was nice enough to let us go for a

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1 Clark
2 little while to see -- meaning myself and
3 Shari -- go to the protest, you know, because
4 it was a lot of people from News Corp. there
5 as well as people who were opposing it and
6 people who were for it. So he let us go for a
7 little while, he told us we could go outside
8 for about 15 or 20 minutes.
9 So we went outside, and then when
10 I came back we had to resume our duties, and
11 when I went into his office he was on the
12 phone, but he was looking towards the window,
13 outside of the window, and he made a comment
14 about the people who were outside protesting,
15 saying that they weren't smart and the
16 majority of them are minorities that are out
17 there.
18 Q. Do you know who Col Allan was
19 speaking to on the telephone?
20 A. I am not certain who he was
21 speaking to.
22 Q. Do you have any idea who Col Allan
23 was speaking to on the phone?
24 A. No.
25 Q. And is it true that you didn't

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1 Clark
2 hear Mr. Allan's entire conversation?
3 A. I did not. But after he made that
4 comment he was laughing and I guess poking fun
5 at what he said himself.
6 Q. Well you didn't hear what the
7 person on the other end of the line was
8 saying, did you?
9 A. No.
10 Q. So how can you possibly know what
11 Mr. Allan was laughing at when you only heard
12 one side of a conversation?
13 A. I can imply from where he was
14 sitting and the way he was looking out the
15 window toward the protest that he was
16 referring to the protest, because that was
17 basically the big topic in the office for the
18 day.
19 Q. You had no idea though what Col
20 Allan was laughing at; is that right?
21 A. No. I know he made that comment
22 and started laughing after he made the
23 comment.
24 Q. How do you know that the comment
25 you overheard him making was in reference to

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1 Clark
2 standing when you walked in the office?
3 A. When I walked in he stood -- he
4 was sitting down -- okay, the way that his
5 office is set up, its glass so you can see
6 through it. And then it is an office within
7 the office, and then you go into an office and
8 then his office is there and it is glass. So
9 when I first initially go to the office right
10 there I can hear that he is talking on the
11 phone and he is having a conversation, and I
12 can visibly see him, right, and he is looking
13 down.
14 Q. Is it your testimony that --
15 MS. DATOO: I don't think she was
16 finished answering the question.
17 THE WITNESS: I wasn't.
18 Q. Okay.
19 A. And he is physically looking down
20 and I can see him. And then as I am walking
21 towards him he is standing, and then that is
22 when I put the paper or whatever it is that I
23 had to give to him. I don't remember what it
24 was that I was giving him, but I gave it to
25 him. And as I am walking in that is when he

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1 Clark
2 the protesters outside the building?
3 A. I said that I did not know, I can
4 only imply from the way that he was sitting
5 and how he was looking out the window that he
6 was referring to the protest because he was
7 looking down outside the window.
8 Q. Where were the protesters located
9 exactly?
10 A. They were in front of the News
11 Corp. building, I believe they had a portion
12 of the street blocked off on Sixth Avenue
13 right in front of the building.
14 Q. And when you walked into Col
15 Allan's office where was he standing?
16 A. Near the window.
17 Q. What direction was he facing?
18 A. This way (indicating).
19 Q. Can you see his face?
20 A. As I am walking in I could see the
21 side profile of his face, yes.
22 Q. Okay. Two minutes ago Ebony you
23 testified that when you walked in Col Allan
24 was sitting and you saw how he was looking out
25 the window. Now you are saying that he was

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1 Clark
2 makes that comment.
3 Q. And did Mr. Allan see you enter
4 his office?
5 A. Yes, he could see that I was
6 coming towards him through his office.
7 Q. Did he acknowledge your presence
8 when you walked in?
9 A. Acknowledge; what do you mean by
10 acknowledge?
11 Q. Did he motion for you to enter his
12 office?
13 A. Usually when we have to take him
14 something we can enter, he doesn't tell us
15 whether we can come in or not.
16 Q. Did you make eye contact with Mr.
17 Allan?
18 A. I did.
19 Q. So you know for certain that he
20 saw you?
21 A. Uh-hum.
22 Q. So he was sitting when you walked
23 into his office and then he looked at you,
24 stood up and walked over to the window?
25 A. No, no, no. The way that it is

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1 Clark
2 first office and he was sitting down, like I
3 said he was looking out the window. When I
4 went into his office he was standing up
5 looking out the window, he made the comment, I
6 did what I had to do and then I left.

7 Q. What position was he in when he
8 made the comment?

9 A. I believe he was looking out the
10 window.

11 Q. Do you know for sure that he was
12 looking at the window?

13 A. From my memory, yes, he was
14 looking out the window.

15 Q. Was he sitting or standing when he
16 made the comment?

17 A. He was standing.

18 Q. Was that after or before you made
19 eye contact with Mr. Allan?

20 A. I don't remember.

21 Q. And tell me again what you heard
22 Mr. Allan say?

23 A. I heard him say that the -- that
24 the people were not smart and that the
25 majority of them are minorities.

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1 Clark
2 many of these people are not smart. And
3 second, the majority of them are minorities,
4 end quote.

5 Is that your best recollection of
6 what Col Allan said that day?

7 A. Yes.

8 Q. In the first page of this document
9 you wrote, it is the second paragraph:

10 Delonas, Col Allan, Jesse Angelo, Frank Zini,
11 Joseph Robinowitz and many other insensitive
12 editors defends this quote, art, end quote.

13 Do you see that?

14 A. Yes.

15 Q. What did you hear Sean Delonas
16 say?

17 A. I didn't hear him say anything,
18 however Shari was exchanging words with those
19 editors that I mentioned here, except for Col
20 Allan, I don't know if she exchanged words
21 with him. But I was present when they were
22 exchanging words, and basically she was just
23 telling them how do they think that that is
24 art, and that it is offensive and stuff like
25 that. And they were going back and forth

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1 Clark
2 Q. And is this your best recollection
3 of what Mr. Allan said?

4 A. Yes.

5 Q. And that is what you wrote in this
6 document that has been marked as Clark Exhibit
7 11; right?

8 A. Uh-hum.

9 Q. We actually need a verbal answer
10 to the last question, Ebony.

11 This is your best recollection of
12 what Mr. Allan said?

13 A. Yes.

14 Q. And that is what you wrote in the
15 document that has been marked as Clark Exhibit
16 11?

17 A. Yes.

18 Q. I would like you to look at Clark
19 Exhibit 11, the page that is the second to
20 last page, it is Bates stamped NYP 1656, do
21 you see that towards the bottom?

22 A. Yes.

23 Q. You said: Midday as I entered
24 Col's office I heard him speaking into the
25 phone to an unknown person quote, number 1,

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1 Clark
2 about the cartoon and what they felt and she
3 said what she felt.

4 Q. Shari Logan has already been
5 deposed in this matter and we have her
6 personal recollection, and today I want to
7 find out your personal recollection of what
8 happened. So tell me what you personally
9 heard Sean Delonas say?

10 A. I didn't hear Sean say anything.

11 Q. Have you ever met Sean Delonas?

12 A. I have not.

13 Q. Is Sean Delonas an employee of the
14 New York Post?

15 A. I believe so, yes. He is the
16 cartoon artist.

17 Q. Do you know for sure that he is
18 employed by the New York Post?

19 A. From what I remember when I was
20 doing the work for Carolyn like I said when
21 she was not there on certain days and I would
22 go to get the cartoon, I believe that he did
23 call in one time because I think he was late
24 with delivering the cartoon and he wanted to
25 make sure that I received it. So I may have

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1 Clark
2 Robinowitz.
3 Q. If I can direct your attention to
4 paragraph 15: Moreover high level editors at
5 The Post have repeatedly made racist, sexist
6 and offensive comments in my presence.
7 Can you give me the names of some
8 of those high level editors?
9 MS. LOVINGER: Objection.
10 A. Yes. I am referring to Jesse
11 Angelo, Joe Robinowitz and Frank Zini, as well
12 as Col Allan.
13 Q. Once again can you give me
14 examples of any specific comments that were
15 made?
16 A. I cannot give you specific as far
17 as that, but the only one that I can give you
18 specifics is the one from Col Allan
19 referencing a majority of the people outside
20 being minorities and uneducated people.
21 Q. Is that the only one that you
22 remember?
23 A. Yes.
24 Q. You were asked questions earlier
25 today about answering Col Allan's phone or not

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1 Clark
2 know that Carolyn was not present in the
3 office. And not only that, but I also -- the
4 phones were ringing in the sports section as
5 well, so I didn't realize that his phone was
6 ringing at the time because so many lines were
7 ringing. I was picking up the sports calls
8 which was the duty that was described to me to
9 do for that day. I wasn't aware that I had to
10 pick up his phone as well.
11 Q. Because you didn't know his
12 administrative assistant was there; is that
13 correct?
14 A. Yes.
15 MS. LOVINGER: Objection.
16 Q. When Mr. Allan yelled at you how
17 did that make you feel?
18 MS. LOVINGER: Objection.
19 A. Embarrassed. I felt like he was
20 belittling me.
21 Q. Why?
22 A. Because of the way that he went
23 about doing it, and I don't think that it was
24 that serious. It was a phone call like. It
25 is not like I made them miss a deadline for an

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1 Clark
2 answering Col Allan's phone, do you recall
3 that?
4 MS. LOVINGER: Objection.
5 A. Yes.
6 Q. If I can direct your attention to
7 paragraph 19 on page 3, it reads: Rather than
8 informing me of this fact Mr. Allan stormed
9 out of his office and yelled at the deputy
10 editor who was sitting directly next to me,
11 will you tell that damn girl to answer the
12 damn phone.
13 Is that what Col Allan said?
14 A. Yes.
15 MS. LOVINGER: Objection.
16 Q. Is that what Col Allan said?
17 A. Yes.
18 Q. And who was the deputy editor that
19 was sitting directly next to you?
20 A. Greg, he is the sports deputy
21 editor.
22 Q. Just so I am clear, why didn't you
23 answer the phone?
24 A. It was not clear to me that I had
25 to answer his phone at the time. I didn't

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1 Clark
2 important news story or something like that.
3 Its just the way that he went about doing it,
4 it just wasn't professional. And he cannot --
5 we are not his children there, you can't treat
6 your employees that way.
7 Q. Do you think if a man didn't pick
8 up his call he would have said the same thing?
9 MS. LOVINGER: Objection.
10 A. I really don't think he would have
11 done that if it was a man.
12 Q. Do you think he would have yelled
13 if it was a man?
14 MS. LOVINGER: Objection.
15 A. Not as loud as he did.
16 Q. Did you complain about that
17 incident?
18 A. I did.
19 Q. To who?
20 A. To Greg.
21 Q. What did you tell Greg?
22 A. I was just telling him that I felt
23 uncomfortable and that I don't think that it
24 was fair to me because I wasn't aware that I
25 was supposed to answer his phone. And that it